

REMARKS

Claims 1-26 are now pending. Claims 1-26 are amended. Figure 1 was amended to comply with 37 CFR 1.121(d) and 37 CFR 1.84(p)(5). No new matter was added. Reconsideration is respectfully requested in view of the following remarks.

I. Claim Rejections Under 35 U.S.C. §112, Second Paragraph

Claims 1, 4, 5, 7, 10, 11, 13-18, 20 and 21 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards and the invention. These claims have been amended to overcome this rejection.

II. Claim Rejections Under 35 U.S.C. §101:

Claims 7-26 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Claims 7-26 have been amended to overcome this rejection such that "computer executable logic" is embodied on a computer readable medium.

III. Claim Rejections Under 35 U.S.C. §103(a):

Claims 1-4, 6-10, and 12-10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Carlino et al. (International Publication No. WO 00/39666, hereinafter "Carlino"), in view of Murata et al. (U.S. Patent 5,987,402, hereinafter "Murata"). The cited references, either singly or in combination, fail to teach or suggest the invention as now claimed.

The Office Action states that identifying the communication protocol, programming language and a mark-up language employed by the mobile device is "inherent" in Carlino, p.18, lines 4-7 and fig.2 #26. In Carlino, at p. 18, ln. 4-7, it is stated: "The request indicates a device type for the first wireless device." These and other passages cited in the Office Action fail to teach or suggest the claimed invention herein.

The invention herein teaches the identification of other characteristics of the mobile devices, in addition to the device type of the mobile device. For example, as recited in independent claims 1 and 7, the claimed invention identifies the programming and mark-up language for that mobile device type, the natural language being used and the protocol in which the mobile device uses to communicate. See pg. 29, ln.12-24. The above-cited statement does not state nor suggest that a device would be capable of identifying the profile of the mobile device, such as the protocol, programming language and natural language, from a request that indicates only the device type.

Furthermore, it is not obvious or "inherent" that Carlino's device would be capable of identifying the above-cited characteristics. Fig. 2 #26 of Carlino shows that an electronic document is divided into multiple document elements. Contrary to the Office Action's assertion, the profile of a mobile device requesting a document is not automatically identified when a document, e.g., the content of a network site, is divided into its elements. Element 26 of Fig. 2 shows that a document can be logically divided into textual and not-textual elements. See Carlino, pg. 20. However, the claimed invention discloses identifying the characteristics of a mobile device in response to a request for content from a network site. Having the requested content divided into elements and converting it is not a precursor or prerequisite for identifying all the characteristics of the mobile device requesting such content. A document could in fact be divided and converted into a second mark-up language without identifying and knowing all the characteristics, such as communication protocol, programming language or natural language, of the requesting mobile device.

Accordingly, Carlino does not teach a method or device for exchanging communications and delivering content between a mobile device and a network site as claimed herein.

Furthermore, Carlino and Murata do not teach nor suggest that a request from a mobile device is converted such that the protocol, programming language, markup language and natural language between the request and the network site match.

The present invention herein includes a **request** from a mobile device that is converted to match the characteristics of a network site. See pg. 21, ln. 29 – pg. 22, ln. 7. For example, as recited in independent claims 1 and 7, once the communication protocols of the mobile device and the networks site are identified, the request from the mobile device is converted to the protocol of the network site. See pg. 23, ln. 12-20.

For all of the foregoing reasons, Applicant respectfully requests that the rejection of independent claims 1 and 7 under 35 U.S.C. §103 be withdrawn. Because dependent claims 2-6 and 8-26 include further limitations in addition to those of the independent claims from which they depend, these claims are also allowable over the cited references of record.

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Amendment dated May 2, 2005
Reply to Office Action of January 4, 2005

CONCLUSION

In light of the remarks set forth above, Applicants believe that the present application is in form for allowance, and such action is respectfully requested. Should the Examiner have any question, the Examiner is encouraged to telephone the undersigned.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 23-2415 (Docket No. 24286-712).

Respectfully submitted,

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Attachments: Replacement Sheet
Annotated Sheet Showing Changes

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Amendments to the Drawings:

Enclosed is a replacement drawing sheet including changes to Fig. 1 in compliance with 37 C.F.R. §1.121(d). Also enclosed is an annotated sheet showing changes made.

In Figure 1, Wireless Mobile Device (WAP) 120 and Database Management System (DMS) 140 not previously labeled has been added. Previously omitted reference sign 100 has also been added.

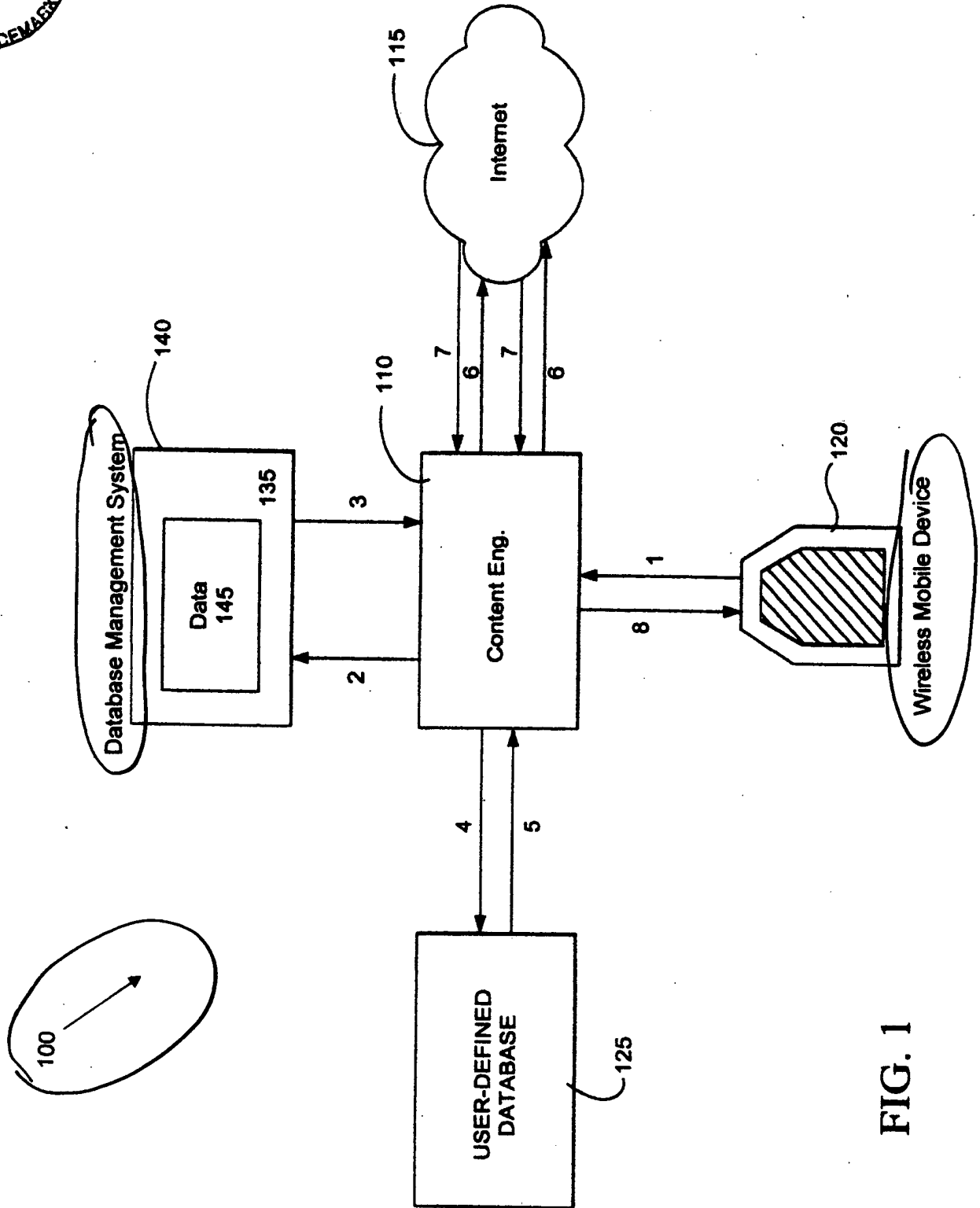


FIG. 1